

REMARKS

Reconsideration of this application, as amended, is requested. Claims 1-21 remain in the application. Independent claim 1 has been amended to define the invention more clearly. Dependent claims 3 and 6 have been amended to conform to amended claim 1 and to define the invention more clearly. Claims 9-17 have been allowed. Those claims remain in the application and have not been amended. Independent method claim 18 has been amended to define the invention more clearly. New dependent method claim 21 has been added.

Claims 1-4, 7 and 8 were rejected under 35 USC 102(b) as being obvious over U.S. Patent No. 5,380,997 to Hanai et al. Claim 5 was rejected under 35 USC 103(a) as being obvious over Hanai et al. The Examiner stated that the Hanai et al. reference shows an apparatus for collecting samples of interest from a card. The Hanai et al. apparatus was considered to have a housing 13 with a slot 11 for slidably receiving a card 7. At least one wiper 4a was identified by the Examiner as being disposed in the housing 13 of Hanai et al. for biased engagement against the card slid through the slot. The Examiner also said that the Hanai et al. reference has an enclosure for selectively enclosing the wiper. The Examiner offered other comments regarding the relevancy of the dependent claims to which the Hanai et al. reference was applied.

The Hanai et al. reference is directed to a reader for a smart card. The smart card 7A has information stored thereon in an electrically readable format. The card reader of Hanai et al. has arrays of wipers 4a, 4b, 3a, 3b. The Hanai et al. wipers include reading wipers 3a and 3b and raised wipers 4a and 4b that project farther up than the reading wipers 3a, 3b. The card 7a initially is inserted into the housing and contacts the raised

wipers 4a, 4b. As the card 7a nears full insertion into the reader, the front edge of the card 7a will contact a sloped surface 13b and will move downwardly against the resilient forces exerted by the raised wipers 4a, 4b. The lower surface of the card 7a then will engage the reading wipers 3a, 3b so that the reading wipers 3a, 3b can read the electrically encoded information on the card 7a. The Hanai et al. reference is not at all concerned with collecting samples of interest from the card 7a. Additionally no part of the housing of Hanai et al. is movable relative to any other part of the housing for enclosing the wipers 3a, 3b, 4a and/or 4b. The Hanai et al. wipers always are exposed and accessible.

In contrast to Hanai et al., the invention defined by amended claim 1 is directed to an apparatus for collecting samples of interest, such as explosives, narcotics or other contraband from a card. Additionally, at least one part of the housing of amended claim 1 is selectively movable relative to remaining parts of the housing for enclosing the wiper after the card has been moved through the slot. Additionally, the housing is configured to be selectively opened. The apparatus defined by amended claim 1 enables substances of interest collected on the wiper to be heated sufficiently in the enclosure so that the substances of interest can be desorbed and placed in communication with a detector that identifies the nature of the collected substances. The smart card reader of Hanai et al. has no suggestion of these structural features or the functions enabled by those features.

Claims 18-20 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,610,977 to Mergerle. The Examiner concluded that Mergerle shows a method for testing for substances of interest. The method of Mergerle was considered to include a step of "receiving a card from a suspect." To support this interpretation, the

Examiner referred to col. 15, lines 59-64 and interpreted the reference to "suspect surface" as including a card. Col. 16, lines 4 and 5 of Mergerle were considered to teach "passing the card against a resiliently deflectable metallic wiper such that the wiper removes substances from the card."

The portion of Mergerle relied upon by the Examiner relates to the type of testing apparatus that has become ubiquitous at airports. A small percentage of passengers moving through an airport security check point will be targeted for further screening. The screening utilizes swipes held in a gloved hand of a security worker. The swipe is rubbed across the carry-on luggage of the passenger. The swipe then is placed in a testing apparatus that analyzes the swipe for the presence of substances of interest. At the end of the test, the swipe is removed from the apparatus and discarded or recycled.

The Examiner appears to be comparing the surface of the carry-on luggage to the card referred to in method claim 18. The Examiner then compares the swipe to the wiper mentioned in method claim 18. There are several significant differences, however, between the method of amended claim 18 and the method taught by Mergerle. In particular, Mergerle teaches a stationary piece of luggage (card) and moves a swipe (wiper) across the stationary luggage (card). The swipe (wiper) at this stage is not at all associated with the apparatus that eventually will test the swipe for the presence of a substance of interest. Accordingly, the security worker then must move the Mergerle swipe from the luggage to the testing apparatus. The passenger typically is required to wait while the security worker accesses the swipe, rubs the luggage, places the swipe in the testing apparatus and then commences the testing procedure. The passenger is aware that he or she has been singled out for extra screening and generally is annoyed

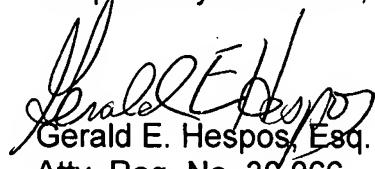
and inconvenienced due to the special treatment and the delays. In contrast, amended claim 18 includes steps of "receiving a substantially flat card from a suspect" and then passing the card against at least one resiliently deflectable metallic wiper mounted in a testing apparatus." Using the analogy implied in the office action, this would require passing the carry-on luggage through a testing apparatus so that the luggage would pass against at least one resiliently deflectable metal wiper in the testing apparatus. Claim 18 then includes a step of enclosing the wiper, which is in the testing apparatus, in an enclosure that also is in the testing apparatus. As a result, the method of amended claim 18 does not require the time consuming and intrusive wiping of the passenger's luggage and then moving the swipe from the luggage to an apparatus in which the swipe can be enclosed and tested. The claimed method can be performed seamlessly as part of the processing of a credit card, frequent flyer card or boarding pass, and without a passenger being delayed or aware of the fact that a security check is taking place. The Mergerle patent is not enabling for the invention defined in method claims 18-21 and has no suggestion of the method defined in amended claims 18-21.

Claim 6 was rejected under 35 USC 103(a) as being obvious over Hanai et al. considered in view of U.S. Patent No. 6,575,553 to Williams et al. The Examiner acknowledged that the Hanai et al. reference does not suggest "a plurality of spring arms" extending from a blade of a wiper, with "the spring arms being spaced apart for reducing thermal mass of the wiper and facilitating deflection." However, the Examiner turned to Williams et al. in an effort to overcome this admitted deficiency of Hanai et al. The Examiner specifically relied upon the element 148 in FIG. 7 of Williams et al.

With due respect, it is submitted that Williams et al. refers to the "spring arm 148" in the singular. A wiper head 150 is at the end of the Williams et al. spring arm 148. However, the wiper head 150 is formed from an elastomeric material that is joined to the spring arm 148 by insert molding. It is submitted that the Williams et al. reference does not overcome the deficiencies of Hanai et al. Additionally, it is submitted that the Williams et al. reference does not teach or suggest the features of the invention defined by claim 6.

In view of the preceding amendment and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter, and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below if to expedite the prosecution of this application.

Respectfully submitted,



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